

AMENDED IN SENATE JUNE 28, 2010

AMENDED IN SENATE JUNE 16, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2776

Introduced by ~~Committee on Water, Parks and Wildlife (Huffman (Chair), Arambula, Blumenfield, Caballero, Bonnie Lowenthal, Salas, and Yamada) Assembly Members Huffman and Arambula (Coauthors: Assembly Members Tom Berryhill, Fletcher, and Fuller)~~

(Principal coauthor: Senator Pavley)

March 1, 2010

~~An act to amend Section 17516 of the Government Code, and to amend Sections 175, 182, 186, 1055, 1055.2, 1228.5, 1228.7, 1241, 1241.6, 1410, 1525, 1675, 1701.3, 1703.6, 1825, 13176, 13193, 13204, 13220, 13261, 13274, 13285, 13291, 13304.1, 13320, 13376, 13392, 13392.5, 13395.5, 13396.7, 13426, 13442, 13521, 13522, 13523, 13523.1, 13528, 13540, 13550, 13552.4, 13553, 13576, 13578, 13580.9, 13627, 13627.4, 13755, 13800, 13801, 13903, 13904, and 13952.1 of, to amend the headings of Article 1 (commencing with Section 13300) and Article 2 (commencing with Section 13320) of Chapter 5 of Division 7 of, to amend and renumber Section 13274 of, to add Section 13248 to, and to repeal Sections 1062 and 1241.5 of, the Water Code, relating to water. An act to add Article 5 (commencing with Section 1746) to Chapter 10.5 of Part 2 of Division 2 of the Water Code, relating to the State Water Resources Development System.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2776, as amended, ~~Committee on Water, Parks and Wildlife Huffman. Water. Transfers of water: agricultural use to municipal use.~~

Existing law authorizes the transfer or exchange of certain water or water rights upon approval by the State Water Resources Control Board of a petition to transfer the water or water rights.

Under existing law, the Department of Water Resources administers water supply contracts pursuant to which water suppliers (contractors) are supplied water from the State Water Resources Development System (State Water Project), in accordance with the California Water Resources Development Bond Act and other provisions of law.

This bill would prohibit the department, with respect to a contractual entitlement to water from the State Water Project, and the state board, with respect to any other transfer of water or water rights, from approving the transfer of surface water or water rights, or a portion of a contractual entitlement to water from the State Water Project, from agricultural use to municipal use for a period of 20 years or more, unless the water user provides to the department or the state board, as applicable, a written evaluation of the economic, social, and environmental effects of the transfer upon the service area from which the water is to be transferred. The bill would prohibit a water user from replacing specified surface water that is transferred from agricultural use to municipal use with groundwater, unless the groundwater basin of the service area from which the water is to be transferred is monitored in accordance with specified requirements. The bill would require the department and the state board to charge specified fees to a water user that is subject to these provisions.

~~(1) Existing law establishes 9 California regional water quality control boards. Each regional board consists of 9 members who are appointed by the Governor and who serve 4-year terms.~~

~~This bill would extend the terms of 2 board members on each regional board, as specified, to September 30, 2014.~~

~~(2) Existing law requires that, prior to the indoor use of recycled water in a condominium project, the agency delivering the recycled water to the condominium project file a report with the regional board and receive written approval of the report from the State Department of Public Health.~~

~~This bill instead would require the agency to file the report with the State Department of Public Health.~~

~~(3) This bill would update cross-references in, and delete obsolete provisions of, the Water Code, and make various other technical or clarifying changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 5 (commencing with Section 1746) is
2 added to Chapter 10.5 of Part 2 of Division 2 of the Water Code,
3 to read:

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5 Article 5. Transfers From Agricultural Use to Municipal Use

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7 1746. (a) This article applies only to a transfer of surface
8 water or water rights, including any portion of a contractual
9 entitlement to water from the State Water Resources Development
10 System, from agricultural use to municipal use for a period of 20
11 years or more.

12 (b) (1) A transfer described in subdivision (a), except a transfer
13 of any portion of a contractual entitlement to water from the State
14 Water Resources Development System, is subject to petition and
15 approval by the board pursuant to Article 2 (commencing with
16 Section 1735).

17 (2) A transfer described in subdivision (a) is subject to approval
18 by the department, if the transfer involves any portion of a
19 contractual entitlement to water from the State Water Resources
20 Development System.

21 1746.5. (a) (1) The board or the department, whichever is
22 applicable pursuant to subdivision (b) of Section 1746, shall not
23 approve a transfer of surface water or water rights subject to this
24 article from agricultural use to municipal use, unless the water
25 user prepares, or contracts for the preparation of, and provides
26 to the board or the department, as applicable, a written evaluation
27 of the economic, social, and environmental effects of the transfer
28 upon the service area from which the water is to be transferred.

29 (2) The board or the department, as applicable, shall charge a
30 water user that is subject to this section a reasonable fee to cover

1 *the agency's costs associated with the implementation of this*
2 *subdivision, including costs incurred for reviewing the evaluation*
3 *described in paragraph (1).*

4 *(b) (1) A water user shall not replace transferred surface water*
5 *that is subject to this article with groundwater, unless the*
6 *groundwater basin of the service area from which the water is to*
7 *be transferred is regularly, systematically, and logically monitored*
8 *in accordance with Part 2.11 (commencing with Section 10920)*
9 *of Division 6.*

10 *(2) The department shall charge a water user that is subject to*
11 *this subdivision a reasonable fee to cover the department's costs*
12 *associated with the implementation of this subdivision, including*
13 *costs incurred by the department if the department is required to*
14 *perform groundwater monitoring functions pursuant to Section*
15 *10933.5 for purposes of this subdivision.*

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, June 16, 2010. (JR11)**